

WON'T LIST NEW CITY BONDS

ENGRAVING IS DONE BY THE
NEW YORK BANK NOTE CO.

Stock Exchange and Mayor Come to
Humphreys—Mayor Says He's for the
Lowest Bidder—Exchange Wants the
Best Work—Decision on Monday.

The New York Stock Exchange says it will not list the recent \$50,000,000 issue of New York city bonds if the contract for engraving and printing is awarded to the New York Bank Note Company, the lowest bidder for the job, and Mayor Gaynor says that the city will accept the lowest bid no matter what the Stock Exchange says about it. The final decision on the matter will come on Monday, when the Board of City Record will decide who gets the contract.

The trouble began when Comptroller Prendergast sent a requisition to Superintendent David Ferguson of the City Record for the engraving and printing. Mr. Ferguson says that previously the American Bank Note Company has always had the job and has fixed the price. So he sent the company a bid sheet and got back a bid of \$62,075. Mr. Ferguson thought this was too high and he told Comptroller Prendergast he would like to look for a competing bid. The Comptroller told him to go ahead, and he asked the New York Bank Note Company to make a bid and got one of \$45,000 which was made without that company knowing what the American Bank Note Company's bid had been. Before asking the New York Bank Note Company to bid Mr. Ferguson informed that company that the getting of the order for the work depended somewhat on the attitude of the Stock Exchange in listing the bonds. He says he did this in order to play fair and not to use the New York Bank Note company as a club with which to beat down the other company's bid. Each company was notified later what the other had bid, and the American then reduced its bid to \$55,967.50.

Comptroller Prendergast wrote on February 6 to President Thomas of the Stock Exchange that the New York had offered to do the bond engraving and printing for approximately \$11,000 less than the American. He added:

It is understood that your board of governors for some reason has refused to list bonds engraved by the New York company. I do not believe it to be to the best interest of the city, however, to award a contract to the highest bidder at an advance of some \$11,000 when the character of the work of both companies appears to be practically equal. Samples of the work of both companies have been submitted and I deem them equally satisfactory.

To this communication Secretary Ely of the Stock Exchange replied on February 14, by instruction of the governors, saying:

I am instructed to state to you that for many years past the exchange in order to protect investors and others interested in securities admitted to dealings upon the floor has found itself obliged to exercise great care with respect to the quality of engraving companies to have their work passed upon by the appropriate committee with a view to the listing of securities.

Many elements must of necessity be considered in such inquiry, the reputation of the company, the character of its direction or management, the general nature and quality of its workmanship, the general methods of its conduct of its business, the reputation of its directors, the quality of its plates from loss by fire, theft or otherwise, the measures provided for safeguarding them from the possibility of illegitimate use or forgery—all these and other factors must be taken into consideration.

With a view to the protection of the public interest the Stock Exchange has from time to time entered upon inquiries of the character indicated and has approved certain companies for the purpose of allowing their names to be referred to by the committee on stock lists.

The company mentioned in your letter has on several occasions been an applicant for such approval and its representatives have appeared before the authorities of the exchange. Upon repeated consideration of the matter, however, the exchange has felt itself obliged to withhold its approval from that company, and I am therefore instructed to inform you that it would be compelled to decline to list the New York bonds referred to by you if the same were engraved by that company.

The failure of the New York Bank Note company to secure the approval desired has induced it to bring an action at law against the stock exchange, in which it alleges in substance that the Stock Exchange and its members are engaged in an unlawful conspiracy to destroy its business and that the refusal of the exchange to pass upon its work is an act done in bad faith and with malicious intent.

In this action, which is now pending in the courts, the bank note company seeks to recover from the Stock Exchange a very large sum of money for its alleged damages.

Whether the law which you inform me has been received from the New York Bank Note Company should, in view of all these facts, be regarded as a bid made in the ordinary course of business or as a threat to move taken with a view to its effect on the pending litigation is of course a matter concerning which each one may draw his own conclusions.

After receiving Mr. Ely's letter Comptroller Prendergast wrote to Mr. Ferguson that since in the Comptroller's opinion it was necessary to take into consideration the necessity of having these bonds listed upon the New York Stock Exchange it would seem expedient under the circumstances to award the contract to the American Bank Note Company.

It would be a breach of faith with the holders of the temporary certificates representing the bonds, wrote the Comptroller, were the permanent certificates to be only listed as has been customary. At the same time I wish to make a statement of my belief that an injustice is being done to the city of New York through the action of the New York Stock Exchange in refusing to list the certificates prepared by the New York Bank Note Company.

LAY DEATH TO BLACKMAILERS

HUNGARIANS STIRRED UP BY
TALK OF KARDOS.

He Turned Over to the Police a Man Who
Wrote to Demand \$50,000 From
Rockefeller. After This Man Got Out
of Jail Kardos Was Set On and Beaten.

Hugo Kardos of 312 East 14th street died in Lebanon Hospital early Wednesday morning as a result of an attack made upon him by five men a week ago. He was manager of Mandel & Ilovits's Hungarian banking house at 374 Alexander avenue. His countrymen who live in the Bronx are of the opinion that he was murdered by blackmailers. Last night the Bronx Hungarian Democratic Club, of which he was a member, held a meeting and drew up resolutions which they will send to Mayor Gaynor and Second Deputy Commissioner Flynn to-day asking for a rigid police investigation.

The story of the supposed murder begins on November 11, 1910. Shortly after the bank was opened that morning a young man came in and asked for the manager. He was unable to speak English, but Kardos conversed with him in Hungarian. The man wanted three letters translated into English. They were written in an almost illegible hand. As soon as the manager had read one he grabbed the young man.

"Wait a minute," he exclaimed, "don't be in such a hurry."
"I'll come back later," said the young man. "I'll be around at 3 o'clock." And he hurried away.

Two of the letters were addressed to "Mr. John D. Rockefeller." The other merely requested Mr. Kardos to translate two and to shut up, warning him that if he notified the police he would be killed. He was signed Fekede Keze, which is said to be a Hungarian equivalent for Black Hand. One of the letters read:

ROCKEFELLER. We send you this letter to let you know that we want \$50,000. This is for our society. If you do not give us this money we will kill you, and if we are unable to find you we will seek one of your family. We will engage a man on the street to go your house for the money. Put it in a box, seal it and give it to the man. The man will not know what is in the box. We will send you another letter telling you what time the man will come for the money.

The other letter to Mr. Rockefeller ran like this:

You no doubt received the first letter. Are you ready to give \$50,000? We will send you another letter telling you the time and day. The man will come to your house for the money.

Kardos told the police in a hurry and at 3 in the afternoon the man was arrested. He had kept his appointment.

He said he was Peter Lilvou of 637 East Thirtieth street, came from Cleveland and had found a bundle of bonds worth \$25,000 and lost them later. The police thought he was a crank. In Special Sessions on November 23 Lilvou was sentenced to thirty days in the City Prison.

On February 8 Kardos left the bank shortly before 9 o'clock in the evening. He walked up Alexander avenue and Third avenue as far as 14th street. There he turned east to Bergen avenue. As he was passing a moving picture theatre in front of which two men were lights threw a bright light for a few feet, five men fell on him, pounding him with their fists and kicking him.

A crowd gathered, but no one offered to help Kardos. His assailants didn't use weapons and they didn't rob him, but when they thought that they had done him up sufficiently they ran away. No body followed.

Kardos was taken to Mr. Ilovits's home at 524 East 14th street. On Thursday he grew worse and was taken to the hospital. According to Coroner's Physician Curtin he died of septic meningitis. Dr. Curtin found that Kardos was badly bruised about the head and body, but his skull was not fractured. Dr. Curtin said that the meningitis might have been caused by the assault, but not necessarily. The Coroner has ordered an inquest for to-morrow.

Mr. Ilovits was greatly distressed by Kardos's death. He said last night that immediately after the assault on February 8 he notified the police of the Alexander avenue station and told them that he suspected that it was the work of Black Handers. He took them copies of the letters demanding \$50,000 from Mr. Rockefeller and informed them of the events of November 11.

The members of the Bronx Hungarian Democratic Club were very active last night, and they held an indignation meeting at which they drew up the resolution for Mayor Gaynor and Commissioner Flynn. They said that they would devote themselves to finding the blackmailers, whom they believe to be Hungarians.

The police are trying to find Lilvou, who got free just before Christmas. Kardos invented an aeroplane that passed Albert Moisan's such that he signed a contract to take him to the improvement. The model is now in Washington in the Patent Office. One of Kardos's friends said last night that Kardos was to have received \$480 from Moisan on Monday as the first instalment of royalties. The improvement consists in two sets of wings which will enable the plane to rise almost immediately without running for a distance on the ground. Kardos was 32 years old. He was born and educated in Budapest.

Postmaster Ashhurst's Family Advertise His Death.

PHILADELPHIA, Feb. 16.—The family of Postmaster Richard L. Ashhurst announced to-day through a death notice in the newspapers that Mr. Ashhurst had died on January 30 at Atlantic City, the day of his disappearance. This is the first indication that the family have abandoned all hope of his being alive.

City Suing Mark Twain's Estate for Taxes.

Supreme Court Justice Gerard signed an order yesterday reviving a suit brought by the city of New York against the late Samuel M. Clemens, known as Mark Twain. The suit is to recover personal taxes for several years back, based on an assessment of \$15,000. Mr. Clemens protested the assessment on the ground that he was a resident of Connecticut.

FATAL FIRE IN PASTOR'S HOME.

Aged Mother-in-Law of the Rev. Dr.
Carson Suffocated in Her Bed.

Mrs. Mary J. McKnight was suffocated yesterday in her bedroom by smoke from a fire that started in a room adjoining her own in the home of her son-in-law, the Rev. Dr. John F. Carson, at 254 Lexington avenue, Brooklyn. Dr. Carson is pastor of the Central Presbyterian Church. The fire was discovered at 6:15 o'clock in the evening by Mrs. Carson, Miss Jennie McKnight and a visitor, all of whom were seated in the back parlor. Their attention was attracted by a peculiar sound like a small explosion. It was probably the breaking of the window panes on the third floor, for the clatter of falling glass soon followed, together with a shower of sparks that flashed past the parlor window.

Mrs. Carson and Miss McKnight hurried to the assistance of their parents, who were on the third floor. On the stairs that lead to the parlor floor they passed their father, William McKnight, who is 93 years old. The calm of his face as he made slow and feeble way to the floor below showed that he was entirely oblivious to anything that was happening above.

"Mary is all right," he said. "I have just left her."

But the daughters knew that it took their father considerable time to descend two flights of stairs and they hurried on. They found the third floor filled with smoke and flames coming out of the back room. Pushing on to the room occupied by their mother the two women opened the windows, closed the door to the passageway that connects the rooms, in which flames were already blazing, and threw a heavy rug across the bed where their mother lay. Mrs. McKnight was unconscious, and tiny flames, skipping spaces, had jumped clear across the room and were eating at the bedclothes. The rug extinguished them and prevented Mrs. McKnight from being badly burned, but she was dead when Ambulance Surgeon Nixon arrived from St. John's Hospital. Mrs. Carson was slightly burned.

It is not known how the fire started. There were no lights and no stove in the room where the fire began, and there was no one in the upper part of the house except Mrs. McKnight. She was unable to leave her bed because of rheumatism and feebleness. She was born in Ireland eighty-four years ago.

Dr. Carson was in his study in the church which adjoins his home when the fire was discovered. He was running up the front steps, having started home to dinner, when the fire engines drew up at his door. His home is a four-story and basement brownstone building. The house and furniture were damaged to the extent of about \$2,000.

BOYS ATTACK SCHOOLMASTER.

Principal Helm of P. S. 123 Licks Gang in the Dark and Captures One.

J. R. Helm, principal of the night school held in Public School 122, at 108th street and Second avenue, was attacked last night by a gang of young roughs who resented the principal's order to take off their hats when they entered the school's reading room on the first floor. Mr. Helm found the young men sitting in the room with their hats on and told them to remove them, addressing himself to Lupo Gallo, 18 years old, of 288 Pleasant avenue, one of his pupils, who had previously given trouble and who appeared to be the leader of the group.

Gallo at first refused to remove his hat, but after being again ordered to do so took it off. He replaced it a moment later when Mr. Helm's back was turned and started to play checkers with one of his companions. Mr. Helm took the checker board away and taking Gallo's hat from his head handed it to him at the same time telling him he would have to obey the rules if he wanted to remain in the room. Gallo picked up a chair and hit Mr. Helm a glancing blow on the head, then he turned out the lights and the gang pitched in.

There was a short and lively battle, and then Gallo's companions found themselves outdoors without their leader. The blow from the chair hadn't hurt Mr. Helm much and he had succeeded in clearing the room and taking Gallo captive. He locked the young man in the cellar and then telephoned for the police. While waiting for two officers who were sent around from the East 104th street station Mr. Helm reassured the students in the schoolroom by stars who had been startled by the noise of the fight. Mr. Helm made a charge of disorderly conduct and assault against Gallo, who was sent to the night court.

WHOLE NATION VACCINATED.

Everybody in Guatemala Had to Submit and Country Is Free From Smallpox.

Special Cable Dispatch to THE SUN.
GUATEMALA, City, Feb. 16.—Smallpox has been stamped out in the republic after a long epidemic and only by the rigorous and unprecedented expedient of vaccinating every individual in the country. The whites submitted voluntarily to vaccination and have done so for years, but the Indians through superstitious fear always have refused to be inoculated.

Dr. Juan A. Padilla, surgeon-general of the marine hospital and quarantine service of Guatemala, finding the epidemic beyond his control, made strong representations to President Estrada Cabrera of the necessity of immunizing the Indians, who were spreading the disease.

The President issued the order and the work began. Every physician in the republic was called in to assist, some thousands of dollars were invested in vaccine and the soldiery concentrated the Indians. For three months the work continued, the physicians working every day, until compelled to quit through lack of Indians or sheer exhaustion.

The disease, which has been the scourge of the nation since the white man first settled there, has been stamped out entirely. For the first time parts of Guatemala are free from all contagious diseases at present and passenger travel is without restriction. Dr. Padilla is on a vacation, which he will spend with Surgeon-General Wyman, chief of the United States Marine Hospital Service at Washington. They are close friends.

Surfage Gets a Forward Hoist in Iowa.

DER MOINS, Ia., Feb. 16.—The House Committee on Elections to-day recommended for passage the joint resolution favoring woman suffrage.

All Deerfoot Farm Survivors.

are made at the farm in Southbury, Conn. Their success is a relief to the State and the great loss and casualties of the preparation.—Ad.

DREXEL BEATEN IN 3 ROUNDS

THE HON. BORRIS BERESFORD
AN EASY WINNER AT LAKEWOOD.

Mrs. Gould Gives the Winner a Silver Cup.
Fight Was Canceled to Go Six Rounds,
but Drexel's Seconds Concede a
Knockout Before the Third Is Finished.

It was not an empty jest after all, that supper table challenge of the Hon. Seton Robert Beresford, younger brother of Lord Decies, to Anthony Drexel to "have a go" with the gloves. It is all true, and the fight has actually taken place and the winner is now in possession of a handsome silver cup as a fitting memento of his important international victory.

And it was no "half and half affair" either, but a real genuine hammer and tongs, tooth and nail battle, winding up with the loser helpless.

The scene of the encounter was the private gymnasium at the Gould mansion at Lakewood, N. J., and it took place in the presence of the members of the house party, who watched the expert display of scientific with the keenest interest. The news came to the ears of a reporter yesterday, and he succeeded in getting full details of the fight from an eyewitness.

The fight fans assembled in full force in the private gymnasium at Lakewood on Saturday night for the contest, which was to go six rounds.

In spite of the fact that the training of the combatants for the bout consisted mainly of whole hearted participation in certain wedding festivities they both entered the ring looking exceedingly fit. The Englishman weighed in at 166 pounds, while the representative of the United States turned the scale at 161.

Mr. Beresford had for his seconds Lord Camoys and Lord Alastair Graham, Mr. Drexel's seconds being Jay Gould, Jr., and Mr. Moffatt. A well known English naval officer acted as referee.

In the opening round Drexel rushed in in true American fashion, apparently with the idea of forcing an early termination of the battle and earning for himself the title of "One Round" Drexel. The English champion, however, kept his head, and although he was receiver-general at the start the end of the round found Drexel on his back on the floor as the result of a smashing left hook on the jaw.

For the second round Drexel came up strong and well and continued his aggressive tactics. With a well timed right swing he landed on Beresford's head with such force that the Englishman momentarily lost his balance. In spite of Drexel's furious tactics Beresford seemed quite content to take things easily and await his opportunity. This round was easily won by Drexel, who got in several useful body blows before time was called.

At the start of the third round Drexel again rushed in, but was met with a heavy body punch, which staggered him somewhat. Beresford now dropped his "take it easy" methods and got busy in real earnest. He very soon had Drexel guessing and with a terrific left swing sent his opponent sprawling. Drexel was quickly on his feet again, but the end was obviously near. With a left and right to the jaw Beresford had his man completely at his mercy, standing dead in the middle of the ring, with his arms hanging listlessly by his side. At this juncture Drexel's seconds admitted a knockout and dragged their man from the ring.

As a memento of the occasion Mrs. Gould subsequently presented to Mr. Beresford a handsome silver cup to add to his already large collection of sporting trophies. It is understood that the cup is now in the hands of jewelers being inscribed with a suitable record of the event.

LAMAR WASHINGTON MARRIED.

Jury Stands Ten to Two in Favor of Plaintiff.

MASSON, Ga., Feb. 16.—After being out thirty hours the jury failed to reach a verdict in the suit brought by Lamar Washington of New York to recover a one-sixth part of the \$800,000 estate left by his uncle, Henry J. Lamar.

The jury stood 10 to 2 in favor of Lamar Washington and the case will be tried again.

Lamar Washington was to get one-sixth of the estate of Henry J. Lamar if he should not marry within the consent of his aunt, Julia Lamar, one of the executors.

Lamar Washington married Miss Lucille Graves of New York and when he applied for his share of the estate it was withheld on the ground that his aunt had not consented for him to marry Miss Osborne.

In the trial Lamar Washington testified that his aunt knew of his engagement to Miss Osborne, congratulated him on it and sent valuable presents when the wedding took place.

Evidence was introduced to show that his aunt had withheld his part of the fortune because of undue influence.

Lamar Washington is the son of Col. W. H. Washington of Nashville, Tenn., one of counsel for the Coopers when they were tried for killing Senator Carmack. His mother died when he was a baby and his father "transferred" him to his uncle, H. J. Lamar, in consideration of \$10,000.

THE DELAWARE AT RIO.

Steamer 4,000 Miles in 10 Days Without a Stop Has Body of Chilean Minister.

WASHINGTON, Feb. 16.—The battleship Delaware, which is carrying the body of Señor Don Anibal Cruz, former Chilean Minister here, to his native land, arrived at Rio de Janeiro to-day. She sailed from Hampton Roads on January 31 last. She reported that she had steamed 4,000 miles in sixteen days without a stop. This is regarded by engineer officers as an unusual record.

Penalty of Small Queens Grafter.

A fine of \$100 or thirty days in jail was imposed yesterday on Robert Kreischer, one of the convicted Queens grafters, by Justice Crane in the Queens county Supreme Court, Long Island City. Justice Crane said that Kreischer was being made a victim by the big grafters. As Kreischer was about leaving the court Justice Crane called him back and warned him that his conviction of a felony deprived him of his citizenship rights and cautioned him against trying to vote or to exercise any of the rights of a citizen.

PANCHENKO VERDICT GUILTY.

Count De Lacy Gets Life Imprisonment;
The Doctor, Fifteen Years.

Special Cable Dispatch to THE SUN.
ST. PETERSBURG, Feb. 17.—The jury returned a verdict early this morning of guilty against Count De Lacy and found extenuating circumstances in the case of Dr. Panchenko for the murder of Count Vassili Botulin. The doctor was Count De Lacy's tool. Mme. Muravieva was acquitted. She forthwith fainted and was removed from the court room.

Sentence on the convicted men was pronounced at 2:20 this morning. Count De Lacy was condemned to convict labor for life, and Dr. Panchenko was sentenced to convict labor for fifteen years. Panchenko sat in a dazed condition after the sentence, while Count De Lacy rose and shook hands with his defenders.

Counsel for Dr. Panchenko made an eloquent plea for the acquittal of his client on the ground that he was dominated completely by the demagogical will of Count De Lacy in this case, the Count being anxious to secure the removal of Count Botulin in order that his (De Lacy's) wife might inherit the fortune of the Count's father.

JOHN D. ROCKEFELLER NOT ILL.

Was Out Riding in Auto When Rumor Was
Flying in New York.

AUGUSTA, Ga., Feb. 16.—When John D. Rockefeller, who is spending the winter here, returned to his hotel late this afternoon from a long ride in his automobile he was told that the rumor was current in New York that he was either dead or seriously ill.

Just the shadow of a smile could be seen about Mr. Rockefeller's mouth as he said: "Well, I am alive."

When the New York report became current in Augusta it caused some excitement, as it was known that Mr. Rockefeller was out automobile riding and it was thought that he might have met with an accident.

Mr. Rockefeller seems to be in good health. He spends much time on the golf course and taking long automobile rides.

After the denial came that John D. Rockefeller was ill it was reported that William Rockefeller was the sick man. It was said that he had been laid up for two or three days with a cold.

LIVE WIRE SNARES MOTORMAN.

Invades Vestibule and Throws Him Out.
Breaking a Leg.

While an Ocean avenue trolley car was running south on Ocean avenue between Kings Highway and Avenue R yesterday afternoon the current wire broke just in front of the car and one end smashed through the car's windshield and wrapped itself about James Hansen, the motorman, of 43 Elm avenue, Brooklyn.

Hansen was badly burned and thrown from the car. There were about twenty passengers on board and they fled to the rear of the car when the flames flashed at the front. The conductor kept them from jumping and succeeded in stopping the car with the rear platform brake. Then he went back and picked up the motorman, who was taken to the Coney Island Hospital, where it was found that he had a broken leg and was severely burned about the head and the upper part of his body. The doctors said he would recover.

The accident tied up the trolley line for half an hour.

HAREN SKIRT ON SHOW.

Fails to Make the Stir Expected at the
Autumn Races.

SPECIAL CABLE DISPATCH TO THE SUN.
PARIS, Feb. 16.—The harem skirt made a timid appearance at the Autumn races to-day, but it did not cause the sensation which greeted the clinging dresses of two years ago. To-day's examples were displayed by dressmakers' mannequins who were sent for the purpose. They failed to interest the Parisian spectators, who were more than a few minutes. They showed mostly robes with very little culotte.

FIRE IN BIG HOTEL.

Six Women Burned and 150 Guests Driven
Into Streets.

CLEVELAND, Feb. 16.—Fire drove 150 guests out of the west wing of the Hotel Euclid here at 9 o'clock to-night and five women were seriously burned.

The prompt action of Nellie May, the telephone operator of the hotel, saved the guests in that part of the hotel, which the flames destroyed with an estimated loss of \$50,000.

The women seriously burned are Ruth Kent of Cambridge, Ohio, Miss Gertrude Wright and Miss Frances Fairfield of Salem, Ohio, Miss Julia Franz of Toledo, Ohio, and Mrs. Margaret Kuhse.

CURE FOR INSANITY.

Discovery in Glasgow of Effective Sub-
stance Used by Injection.

SPECIAL CABLE DISPATCH TO THE SUN.
LONDON, Feb. 17.—The newspapers ascribe to Dr. Oswald of the staff of the Glasgow Insane Asylum the announcement of an important discovery which promises a cure for mental disease. The substance was discovered by a German professor and perfected by research experiments in Germany and Glasgow.

Injected into the blood of insane persons it renders them immune from further attack.

TO ADOPT A MERCHANT FLEET.

Bill Admitting to American Registry
Foreign Built Vessels.

WASHINGTON, Feb. 16.—A bill admitting to American registry all foreign built vessels not more than four years old and not over 2,500 tons in burden wholly owned by Americans was reported favorably to-day by the House Committee on Merchant Marine and Fisheries. The bill also admits to American registry seventeen steamships of the United Fruit Company, which operates from New York, Boston and other Atlantic seaports to ports in Central and South America. It likewise provided in the bill that none of the vessels to which its provisions apply shall be permitted to engage in the coastwise trade.

MAIRI GRASS, NEW ORLEANS, LA.
ROUND TRIP \$32.75.

Southern Ry. sells tickets Feb. 20 to 26. In-
cluded through car line. N. Y. Office, 26 Fifth av., cor.
29th st.—Ad.

BADGER FOELKER

AT GARDNER TRIAL

Impersonator Sosinsky Got
His Regents' Certificate
for Him.

NEXT COMES A \$250 CHECK

From Hildebrand After a Hostile
Bill Died in Foelker's
Committee.

After Congressman Otto G. Foelker
of Brooklyn had testified in the Supreme
Court yesterday that former Senator
Frank J. Gardner of Brooklyn, on trial
for bribery, offered him a bribe of \$12,000
to withhold his vote on the Hart-Agnew
racing bills he had an unpleasant time
of it on cross-examination.

He swore that he himself took the examination for a Regents' certificate preliminary to examination for admission to the bar. Then it was brought out that a letter signed with his name asking the office of the Regents to forward the certificate was written by Max Sosinsky, now a penitentiary prisoner for impersonating candidates at such examinations, and that at that time Foelker had temporarily given up his residence in Brooklyn to live at the same address as Sosinsky in Manhattan.

Mr. Foelker also admitted that in 1909 while he was in the Assembly and after he had been nominated for the Senate he got a check for \$250 drawn by J. S. Hildebrand, who had the contract for sprinkling the streets of Manhattan, The Bronx and Brooklyn boroughs, and whose business would have been destroyed if a bill killed by the Assembly Cities Committee, of which Foelker was a member, had passed. Foelker insisted that he didn't get the check from Hildebrand direct, but said that it was mailed to him by Robert A. Sharkey, former Naval Officer of the Port of New York, an Assembly district leader in Brooklyn. Foelker didn't know why the check was sent to him, he said, but he kept it and he says turned it over to District Leader Alfred T. Hobbey. Both Sosinsky and Hildebrand were in the court room and they were called as witnesses for the defense.

That the defense seeks to offer evidence that Congressman Foelker took a bribe not to vote for the Hart-Agnew bills and then voted for them anyhow was indicated in the opening of Assistant District Attorney Nott, who said that when Gardner was in Wilkesbarre, Pa., last August he told a man named Hall, employed by the Tanager Development Company, that after Gardner had gone to Albany with 200 \$1,000 bills and Foelker had refused to take any of the money he took some from another person and voted for the bills.

DATE OF FOELKER'S FIRST VOTE.

Mr. Foelker was the only witness of the day. He told the same story of the alleged attempt at bribery that he told to the Merritt committee. On the Thursday before the bill came up for the vote which resulted in a tie Foelker was on a train bound for Albany with his secretary, John Greher. Jacob Kilperkin came to him and asked him to go to a stateroom where Mr. Gardner was alone and wanted to see him. Gardner told him they needed his vote against the racetrack bill, he said, and would pay \$12,000 for it, \$2,000 down. Foelker refused.

On cross-examination by Max D. Steuer Mr. Foelker said that he came to this country when he was 12 or 13 years old to join his father in Troy. He was born on December 29, 1875,